

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday June 21, 2019
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Regular Appeal Meeting of May 17, 2019, and the Special Appeals Meeting of May 24, 2019, were considered for approval.

Motion: Commissioner Tilly made a motion to approve the Regular Appeal Meeting of May 17, 2019, and the Special Appeals Meeting of May 24, 2019, minutes.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

1. Carmen D. McFarland v. Oklahoma Department of Corrections & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma) , File #CM2014-11048H

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Edward Grimes represented the Claimant and John Blodgett represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

2. Gordon A. George v. Umicore Autocat USA Inc. & New Hampshire Insurance Co, File #CM2017-06648K

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. JL Franks represented the Claimant and James B. Cassody represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

3. Barbara Barnes v. WalMart Stores Inc. (Own Risk #20000) File #CM2018-03702A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrel Paul represented the Claimant and Jordan S. Ensley represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to affirm in part and reverse in part and to instruct Appellate Counsel or another staff member to draft a proposed order to be considered at a future meeting.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: AFFIRMED IN PART REVERSED IN PART

4. James Brice Martin v. City of Tulsa (Own Risk #10435), File #CM2018-02279X

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. JL Franks represented the Claimant and Travis R. Colt represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take this case under advisement.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

5. Jimmy Dean Dotson v. OSU Tulsa (Own Risk #14526), File #CM2016-03377A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Susan Jones represented the Claimant and Robert Simpson represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

6. Donald w. McKinney v. Center for Orthopaedic Reconstruction and Excellence and Oklahoma Health Care Association (Group#75175), File #CM2018-00412Y & 2018-01722Y

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Pam Cornett represented the Claimant and Dean Lott represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

C. Commission Consideration of Adoption of Final Orders in the Following Cases:

1. Gail Lee Ross v. Multiple Injury Fund File #CM2015-03929AMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Laura Beth Murphy represented the Claimant and Heather Fagan represented the Respondent.

This case came on for Oral Argument on March 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judges Order and instructed Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

Motion: Commissioner Tilly moved to adopt the order as proposed.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

2. Stephanie T. Adkins v. Lowes Home Centers LLC (Own Risk #18931), File #CM2017-07709J

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Gary G. Prochaska represented the claimant and Jennifer Ahrend represented the Respondent.

This case came on for Oral Argument on March 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: AFFIRMED

3. Darlene Johnson v. Midwest City Del City Public Schools (Own Risk #16102, File #CM2017-07066Y

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. William Emig represented the Claimant and Jeffrey W. Dasovich represented the Respondent.

This case came on for Oral Argument on April 19, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to adopt the order as proposed.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

4. Jamesina S. Baker v. Covenant Place of Tulsa Inc. & Travelers Indemnity Co. of America File #CM2017-01903A

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Darrel Paul represented the Claimant and Catherine C. Taylor represented the Respondent.

This case came on for Oral Argument on May 17, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to adopt the order as proposed.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

5. Julio Cesar (Perez) Gomez v. Encinos 3D Custom Products LLC and/or D. Trent Holman & Assoc. Inc., and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2017-02108L

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bryce A. Hill represented the Claimant. Doug Thomas represented Respondent Encinos 3D. Leah P. Keele represented Respondent D. Trent Holman & Associates. Dana L. Gish represented Respondent CompSource Mutual.

This case came on for Oral Argument on May 17, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue the remaining orders to the next special appellate docket.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: REMAINING ORDERS CONTINUED

D. Announcements

Commission's next special business meeting is Thursday, July 10, 2019. Commission's next special meeting regarding Appeals is scheduled for Friday, July 19, 2019.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 2:35 p.m.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.